

MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF CHULA VISTA

May 13, 2003

6:00 P.M.

A Regular Meeting of the City Council of the City of Chula Vista was called to order at 6:12 p.m. in the Council Chambers, located in the Public Services Building, 276 Fourth Avenue, Chula Vista, California.

ROLL CALL:

PRESENT: Councilmembers: McCann, Rindone, Salas, and Mayor Padilla

ABSENT: Councilmembers: Davis (excused)

ALSO PRESENT: City Manager Rowlands, City Attorney Moore, and Assistant City Clerk Norris

PLEDGE OF ALLEGIANCE TO THE FLAG, MOMENT OF SILENCE

SPECIAL ORDERS OF THE DAY

- OATHS OF OFFICE:
Bryan Felber – Planning Commission
Clarke Dennison and Sharon Floyd – Town Centre Project Area Committee
Reverend Julius Bennett and Karen Batcher – Board of Ethics

Deputy City Clerk Bennett administered the oaths to Commissioners Felber, Dennison, Floyd, Bennett, and Batcher; and Deputy Mayor Rindone presented them each with a certificate of appointment.

- PRESENTATION BY MAYOR PADILLA OF A PROCLAMATION TO CHULA VISTA POLICE DEPARTMENT'S EXPLORER SCOUT POST NO. 2831, PROCLAIMING MAY 19, 2003 AS LAW ENFORCEMENT EXPLORER SCOUT APPRECIATION DAY IN THE CITY OF CHULA VISTA

Mayor Padilla read the proclamation, and Deputy Mayor Rindone presented it to Assistant Police Chief Zoll.

- PRESENTATION BY MAYOR PADILLA OF A PROCLAMATION TO CLIFF SWANSON, DIRECTOR OF ENGINEERING AND DAVE BYERS, DIRECTOR OF PUBLIC WORKS OPERATIONS, PROCLAIMING THE WEEK OF MAY 18, 2003 AS NATIONAL PUBLIC WORKS WEEK

Mayor Padilla read the proclamation, and Deputy Mayor Rindone presented it to Engineering Director Swanson and Public Works Director Byers.

- DEDICATION BY MAX BRANSCOMB OF A PLAQUE IN MEMORY OF DIANE COUSINO, TO BE PLACED IN TIFFANY PARK AT THE NEW TOT LOT

Mayor Padilla observed the placing of a plaque in Tiffany Park in memory of Diane Cousino, a local resident who was extremely active in the community. Councilmember McCann invited Councilmembers and the public to attend the plaque dedication on Thursday, May 15, 2003, at 6:00 p.m., at the Tiffany Park tot lot.

At 6:25 p.m., Mayor Padilla recessed the meeting to Closed Session. Mayor Padilla reconvened the meeting at 6:43 p.m., with all present except Councilmember Davis.

CONSENT CALENDAR
(Items 1 through 12.5)

Item No. 12.5 was removed from the Consent Calendar at the request of staff and continued to the meeting of May 20, 2003.

1. WRITTEN CORRESPONDENCE

- A. Memorandum from Councilmember Patty Davis, requesting an excused absence from the meeting of May 13, 2003.

Staff recommendation: Council excuse the absence.

- B. Letter of resignation from Carmen Quintana de Valladolid – member of the Cultural Arts Commission.

Staff recommendation: Council accept the resignation with regret and direct the City Clerk to post immediately in accordance with the Maddy Act.

- 2 A. ORDINANCE NO. 2907, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN COMMUNITY FACILITIES DISTRICT NO. 09-M (VILLAGE 11 - BROOKFIELD SHEA OTAY) (SECOND READING AND ADOPTION)
- B. ORDINANCE NO. 2908, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE LEVY OF A SPECIAL TAX IN THAT AREA DESIGNATED AS IMPROVEMENT AREA “C” WITHIN COMMUNITY FACILITIES DISTRICT NO. 97-2 (PRESERVE MAINTENANCE DISTRICT) (SECOND READING AND ADOPTION)

Special taxes levied within Community Facilities District 09-M will fund the perpetual operation and maintenance of slopes, medians and parkways, and storm water treatment facilities associated with Village 11 - Brookfield Shea Otay. Special taxes levied for Community Facilities District 97-2 will fund the costs of the resource monitoring program, as well as preserve operations and maintenance. (Director of Engineering)

Staff recommendation: Council place the ordinances on second reading for adoption.

3. RESOLUTION NO. 2003-183, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING CONTRACT FOR THE TRAFFIC SIGNAL MODIFICATION AT THREE INTERSECTIONS ALONG OTAY LAKES ROAD, AND PEDESTRIAN SIGNAL MODIFICATION AT EAST PALOMAR STREET IN THE CITY OF CHULA VISTA (PROJECT TF-305) TO T & M ELECTRIC, DBA PERRY ELECTRIC, IN THE AMOUNT OF \$106,630, AND AUTHORIZING STAFF TO TRANSFER FUNDS TO THIS PROJECT FROM THE “TRAFFIC SIGNAL INSTALLATION AT EAST PALOMAR STREET AND SANTA CORA AVENUE (TF304)” PROJECT, IN THE AMOUNT OF \$20,000 AND FROM A CASH BOND ACCOUNT IN THE AMOUNT OF \$10,000, OF WHICH EAST PALOMAR STREET TRANSIT DEPOSIT WAS MADE

CONSENT CALENDAR (Continued)

The Director of Engineering received sealed bids from three electrical contractors for this project. The work to be done includes relocation and/or replacement of existing signal standards, mast arms, indications, frameworks, lamps, luminaries, signs and pull boxes, installation of new foundation for signal standards and other concrete and asphalt concrete work, rewiring intersections, sandblasting conflicting and installing new striping, and the protection, restoration and disposal of existing improvements. (Director of Engineering)

Staff recommendation: Council adopt the resolution.

4. ORDINANCE NO. 2909, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ESTABLISHING A 30 M.P.H. SPEED LIMIT ON OXFORD STREET, BETWEEN BROADWAY AND THIRD AVENUE, AND AMENDING SCHEDULE X OF THE REGISTER AS MAINTAINED BY THE OFFICE OF THE CITY ENGINEER

Based on the provisions of California Vehicle Code Section 22358, and pursuant to authority designated under Chula Vista Municipal Code Section 10.48.020, the City Engineer has determined that, based on a traffic engineering study, the speed limit on Oxford Street between Broadway and Third Avenue should be decreased from the existing posted 35 m.p.h. to 30 m.p.h. (Director of Engineering)

Staff recommendation: Council place the ordinance on first reading.

5. RESOLUTION NO. 2003-184, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA OF INTENTION TO CONSIDER CHANGES AND MODIFICATIONS TO THE RATE AND METHOD OF APPORTIONMENT FOR COMMUNITY FACILITIES DISTRICT NO. 08-I (OTAY RANCH VILLAGE SIX)

Otay Project, L.P. requested that the City initiate proceedings to consider changes and modifications in the rate and method of apportionment of special taxes authorized to be levied in Community Facilities District (CFD) No. 08-I resulting from a proposed adjustment to the assigned special tax obligation for the property within CFD 08-I (Otay Ranch Village Six). (Director of Engineering)

Staff recommendation: Council adopt the resolution.

- 6 A. RESOLUTION NO. 2003-185, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FINAL "B" MAPS OF CHULA VISTA TRACT NO. 96-04B, OTAY RANCH, VILLAGE FIVE, NEIGHBORHOODS R-30A AND R-30B, ACCEPTING ON BEHALF OF THE CITY OF CHULA VISTA, THE EASEMENTS GRANTED ON SAID MAPS WITHIN SAID SUBDIVISION, APPROVING THE SUBDIVISION IMPROVEMENT AGREEMENT FOR THE COMPLETION OF IMPROVEMENTS REQUIRED BY SAID SUBDIVISION, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

CONSENT CALENDAR (Continued)

- B. RESOLUTION NO. 2003-186, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE "B" MAP SUPPLEMENTAL SUBDIVISION IMPROVEMENT AGREEMENT FOR OTAY RANCH VILLAGE FIVE, NEIGHBORHOOD R-30A AND R-30B, PORTION OF VILLAGE FIVE, OTAY RANCH SPA ONE, REQUIRING DEVELOPER TO COMPLY WITH CERTAIN UNFULFILLED CONDITIONS OF RESOLUTION NO. 2001-291, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

On August 28, 2001, the Council approved a revised tentative map for Village Five, neighborhoods R-30 and R-39 of Otay Ranch, Sectional Planning Area One. Adoption of the resolutions approves the Final "B" Map for R-30A and R-30B and associated agreements. (Director of Engineering)

Staff recommendation: Council adopt the resolutions.

7. RESOLUTION NO. 2003-187, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO THE CHULA VISTA PORTION OF THE FIVE-YEAR TRANSNET LOCAL STREETS AND ROADS PROGRAM OF PROJECTS FOR FISCAL YEARS 2002/2003 THROUGH 2006/2007, AND AUTHORIZING ITS SUBMITTAL TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) FOR INCLUSION IN THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM

On April 16, 2002, the Council held a public hearing and approved Resolution 2002-117, adopting the five-year Regional Transportation Improvement Program (RTIP). SANDAG has requested local agencies to review the biennial element of the current RTIP and submit any proposed changes to SANDAG. This amendment to the Fiscal Years 2002/2003 through 2006/2007 RTIP primarily concerns changes to the cost estimates and new submittals for non-capacity increasing projects to be funded by transportation sales tax (TransNet) funds. The SANDAG Board of Directors will consider the subject amendments at its June meeting. (Director of Engineering)

Staff recommendation: Council adopt the resolution.

8. RESOLUTION NO. 2003-188, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE SUMMARY VACATION OF CERTAIN SEWER, DRAINAGE, AND SLOPE STABILIZATION EASEMENTS LOCATED WITHIN THE LIMITS OF LOT H OF CHULA VISTA TRACT NO. 01-09, EASTLAKE III WOODS NEIGHBORHOOD 4, MAP NO. 14394

The developer requested, and staff concurred, to process a summary vacation of certain existing sewer, drainage, and slope easements located within the limits of the proposed elementary school site (Lot H of Map No. 14394 Eastlake III Woods Neighborhood 4). The sewer and drainage easements are no longer needed because the associated sewer and drainage facilities have been relocated in order to provide more usable area and flexibility for the site design of the elementary school. The slope stabilization easement is no longer needed for the construction of Hunte Parkway. In accordance with Section 7050 of the California Government Code, and Chapter 4, Section 8335 of the California Streets and Highways Code, this type of vacation may be performed summarily through adoption of a resolution. (Director of Engineering)

Staff recommendation: Council adopt the resolution.

CONSENT CALENDAR (Continued)

- 9 A. RESOLUTION NO. 2003-189, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FINAL MAP OF CHULA VISTA TRACT NO. 03-04, EASTLAKE LANDSWAP RESIDENTIAL; ACKNOWLEDGING ON BEHALF OF THE CITY OF CHULA VISTA THE IRREVOCABLE OFFER OF DEDICATION FOR OPEN SPACE PURPOSES GRANTED ON SAID MAP WITHIN SAID SUBDIVISION; ACCEPTING ON BEHALF OF THE CITY OF CHULA VISTA THE VARIOUS EASEMENTS, ALL AS GRANTED ON SAID MAP WITHIN SAID SUBDIVISION
- B. RESOLUTION NO. 2003-190, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A SUPPLEMENTAL SUBDIVISION IMPROVEMENT AGREEMENT FOR CHULA VISTA TRACT NO. 03-04, EASTLAKE LANDSWAP RESIDENTIAL, REQUIRING EASTLAKE COMPANY, LLC TO COMPLY WITH CERTAIN UNFULFILLED CONDITIONS OF RESOLUTION NO. 2003-141, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

On April 8, 2003, the Council approved the tentative subdivision map for Chula Vista Tract No. 03-04, EastLake Landswap Residential. Adoption of the resolution approves the Final Map and the associated supplemental subdivision improvement agreement. (Director of Engineering)

Staff recommendation: Council adopt the resolutions.

10. RESOLUTION NO. 2003-191, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA REALLOCATING \$9,100 FROM FISCAL YEAR 2002-2003 CDBG HI-TECH/BIOTECH FEE REDUCTION PROGRAM FUNDS; APPROPRIATING SAID FUNDS FOR ECONOMIC DEVELOPMENT CONSULTANT SERVICES; AND AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO EXECUTE SAID AGREEMENT

The Community Development Department is responsible for creating and implementing numerous business retention, expansion and attraction efforts to build a strong and vibrant local economy. To augment these efforts, the department wishes to retain the consulting services of Shelly Bailey, who has a high level of expertise in the field of economic development and has previously worked with the Chula Vista business community. (Director of Community Development)

Staff recommendation: Council adopt the resolution.

11. RESOLUTION NO. 2003-192, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA, BURKETT & WONG ENGINEERS (CONSULTANT), AND OTAY PROJECT, L.P., FOR THE PREPARATION OF A PUBLIC FACILITIES FINANCING PLAN AND FISCAL IMPACT ANALYSIS FOR OTAY RANCH VILLAGE TWO, VILLAGE THREE AND PLANNING AREA 18B, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

CONSENT CALENDAR (Continued)

Otay Project, L.P., (The Otay Ranch Company) submitted a Sectional Planning Area (SPA) Plan for Village Two, Three and Planning Area 18B of Otay Ranch. The Otay Ranch General Development Plan and the City's growth management ordinance require the preparation of a Public Facilities Financing Plan (PFFP) with each SPA Plan in order to evaluate the project under the City's growth management threshold standards. The applicant will assume the full cost of the PFFP document. Staff conducted a formal selective bidding process and selected the firm of Burkett & Wong Engineers to prepare the PFFP for the Village Two, Three and Planning Area 18B SPA Plan because of their unique qualifications, proposed cost, knowledge of the project and past experience in PFFP preparation. (Director of Planning and Building)

Staff recommendation: Council adopt the resolution.

12. RESOLUTION NO. 2003-193, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING FISCAL YEAR 2003 LIBRARY DEPARTMENT BUDGET AND APPROVING THE RECLASSIFICATION AND SALARY ADJUSTMENT OF ONE PRINCIPAL LIBRARIAN TO A NEW MID-MANAGEMENT CLASSIFICATION OF LIBRARY PUBLIC SERVICES MANAGER

Adoption of the resolution amends the Fiscal Year 2003 Library Department budget and approves the reclassification of a Principal Librarian to Library Public Services Manager as a result of increases in the level and complexity of duties and responsibilities currently assigned. (Director of Human Resources)

Staff recommendation: Council adopt the resolution.

- 12.5 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AGREEMENT FOR CONTRIBUTION OF FUNDS BY AND BETWEEN THE CITY OF CHULA VISTA AND SAN DIEGO EXPRESSWAY, L.P., A CALIFORNIA LIMITED PARTNERSHIP, THROUGH CALIFORNIA TRANSPORTATION VENTURES, INC., A CALIFORNIA CORPORATION, ITS GENERAL PARTNER, AND APPROPRIATING \$1,414,500 FROM THE INTERIM STATE ROUTE 125 DEVELOPMENT IMPACT FEE FUND (4/5THS VOTE REQUIRED)

California Transportation Ventures, Inc. (CTV) and the plaintiffs in the lawsuit involving State Route 125 (SR-125) are interested in reaching a settlement. In conjunction therewith, the City, the developers, and CTV have also been in discussions regarding a local contribution toward the settlement. This item is an agreement between the City and CTV concerning the use of Interim SR-125 development impact fee monies to assist in that endeavor. By so doing, the City will help assure the timely construction of the SR-125 toll road facility, which is an integral part of its transportation system. (City Manager)

Staff recommendation: Council adopt the resolution.

ACTION: Deputy Mayor Rindone moved to approve staff's recommendations and offered the Consent Calendar, headings read, texts waived, excluding Item 12.5, which was continued to May 20, 2003. The motion carried 4-0.

ORAL COMMUNICATIONS

There were none.

PUBLIC HEARINGS

Item No. 18 was taken out of order and discussed prior to Item No. 13.

13. CONSIDERATION OF AMENDMENTS TO CHAPTER VII - RECREATION PROGRAMS/FACILITIES OF THE MASTER FEE SCHEDULE (CONTINUED FROM THE MEETING OF MAY 6, 2003)

The Recreation Department is currently engaged in a strategic plan process to articulate priorities essential to fulfilling departmental and City missions for the next five years. In committee meetings of staff and community members, there has been consensus that the department should review and update fees as part of this process. (Director of Recreation)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Recreation Director Martin and Assistant Recreation Director Stokes presented the proposed changes to the master fee schedule.

Mayor Padilla opened the public hearing. With no members of the public wishing to speak, he then closed the hearing.

ACTION: Councilmember Salas offered Resolution No. 2003-194, heading read, text waived:

RESOLUTION NO. 2003-194, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING THE MASTER FEE SCHEDULE TO EFFECT CHANGES IN EXISTING FEES AND ADD NEW FEES FOR RECREATION

The motion carried 4-0.

14. CONSIDERATION OF ADOPTION OF AN URGENCY ORDINANCE APPROVING AN INCREASE OF THE SEWERAGE CAPACITY CHARGE AND THE MODIFICATION OF THE MASTER FEE SCHEDULE

On March 18 and April 15, 2003, the Council approved Urgency Ordinance Nos. 2900-A and 2900-B, approving an increase of the sewerage capacity charge and the modification of the master fee schedule to reflect an increase in the sewerage capacity charge. Adoption of this urgency ordinance enables the City to continue to collect the charge during the sixty-day waiting period before the regular ordinance becomes effective. (Director of Engineering)

PUBLIC HEARINGS (Continued)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing. There being no members of the public wishing to speak, he then closed the hearing.

ACTION: Mayor Padilla offered Urgency Ordinance No. 2900-C, heading read, text waived:

URGENCY ORDINANCE NO. 2900-C, URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN INCREASE OF THE SEWERAGE CAPACITY CHARGE AND THE MODIFICATION OF THE MASTER FEE SCHEDULE

The motion carried 4-0.

15. CONSIDERATION OF THE PROPOSED CHANGE AND MODIFICATION TO THE RATE AND METHOD OF APPORTIONMENT FOR IMPROVEMENT AREA B FOR COMMUNITY FACILITIES DISTRICT NO. 06-I (EASTLAKE-WOODS, VISTAS AND LAND SWAP) (CONTINUED FROM THE MEETING OF MAY 6, 2003)

On March 18, 2003, the Council approved the resolution of intention to consider changes and modifications to the rate and method of apportionment for Improvement Area B of Community Facilities District (CFD) No. 06-I (EastLake-Woods, Vistas and Land Swap). Adoption of the resolution continues the formal proceedings to consider such modifications to the rate and method of apportionment for Improvement Area B of CFD 06-I, subject to approval of the qualified electors. (Director of Engineering, Director of Finance)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing. With no members of the public wishing to speak, he then closed the hearing.

At 8:42 p.m., Deputy Mayor Rindone left the dais.

ACTION: Mayor Padilla offered Resolution No. 2003-195, heading read, text waived:

RESOLUTION NO. 2003-195, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING CERTAIN DETERMINATIONS AND AUTHORIZING THE SUBMITTAL OF THE PROPOSED MODIFICATIONS OF THE RATE AND METHOD OF APPORTIONMENT FOR IMPROVEMENT AREA B OF COMMUNITY FACILITIES DISTRICT NO. 06-I (EASTLAKE-WOODS, VISTAS AND LAND SWAP) TO THE QUALIFIED ELECTORS THEREOF

The motion carried 3-0, with Deputy Mayor Rindone absent from the dais.

PUBLIC HEARINGS (Continued)

16. CONSIDERATION OF AUTHORIZATION OF THE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 06-I (EASTLAKE WOODS, VISTAS, AND LAND SWAP), AND IMPROVEMENT AREA B (CONTINUED FROM THE MEETING OF MAY 6, 2003)

On March 25, 2003, the Council adopted a resolution declaring the intention to authorize the annexation of territory to Community Facilities District (CFD) No. 06-I and Improvement Area B thereto. Adoption of the resolution continues the formal proceedings to consider the authorization to annex such territory to CFD No. 06-I and Improvement Area B, subject to the approval by the qualified electors of the levy of special taxes within such territory proposed to be annexed. (Director of Engineering)

Notice of the hearing was given in accordance with legal requirements, and the hearing was held on the date and at the time specified in the notice.

Mayor Padilla opened the public hearing. With no members of the public wishing to speak, he then closed the hearing.

At 8:43 p.m. Deputy Mayor Rindone returned to the dais,

ACTION: Councilmember McCann offered Resolution No. 2003-196, heading read, text waived:

RESOLUTION NO. 2003-196, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA MAKING CERTAIN DETERMINATIONS AND AUTHORIZING THE SUBMITTAL OF THE LEVY OF SPECIAL TAXES TO THE QUALIFIED ELECTORS OF CERTAIN TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 06-I (EASTLAKE - WOODS, VISTAS AND LAND SWAP) AND IMPROVEMENT AREA B THERETO

The motion carried 4-0.

17. CONSIDERATION OF THE FINAL CHULA VISTA MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) SUBAREA PLAN, FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL ASSESSMENT (EIR NO. 03-01), REVISED MITIGATION AND IMPLEMENTING AGREEMENT MONITORING PROGRAM, AMENDMENT TO THE CHULA VISTA GENERAL PLAN, DRAFT IMPLEMENTING AGREEMENT BETWEEN THE CITY OF CHULA VISTA, THE UNITED STATES FISH AND WILDLIFE SERVICE AND THE CALIFORNIA DEPARTMENT OF FISH AND GAME, AND INTRODUCTION OF DRAFT IMPLEMENTING ORDINANCES (PCM 95-017 AND GPA 03-07); AND CONSIDERATION OF AN AMENDMENT TO THE SALT CREEK RANCH GENERAL DEVELOPMENT PLAN, SECTIONAL PLANNING AREA PLAN AND TENTATIVE MAP (C.V.T. MAP NO. 92-02A) AND SUPPORTING REGULATORY DOCUMENTS FOR THE ROLLING HILLS RANCH PROJECT (PREVIOUSLY KNOWN AS "SALT CREEK"), AND ADDENDUM TO FINAL EIR NO. 91-03 FOR THE SALT CREEK RANCH SECTIONAL PLANNING AREA PLAN

PUBLIC HEARINGS (Continued)

The MSCP Subregional Plan is a comprehensive, long-term habitat conservation planning program that addresses the habitat needs of sensitive species through preservation of native vegetation communities within southwestern San Diego County. The City's Final MSCP Subarea Plan has been prepared to implement the MSCP Subregional Plan within Chula Vista and will form the basis for issuance of federal and state incidental take permits to the City for 86 species covered by the City's Subarea Plan. The Subarea Plan and associated implementing documents will establish a preserve of approximately 5,000 acres which will be assembled over time and will also allow the City to issue permits for development projects that may impact covered species. (Director of Planning and Building)

Planning and Environmental Services Manager Ladiana gave an overview of the Multiple Species Conservation Program (MSCP) Subarea Plan, including MSCP background (habitat evaluation map, biological core and linkages); MSCP hierarchy; key features of the plan; sub-area plan implementation; preserve assembly; habitat loss and incidental take ordinance; preserve management for Quino checkered butterfly and Otay Tarplant; preserve management funding; MSCP compliance monitoring; and MSCP long-term obligations.

Mayor Padilla opened the public hearing.

Bill Tippetts, representing the Department of Fish and Game, complimented City Manager Rowlands and City staff on a successful implementing agreement. He stated that the addition of one species, the Quino checkered butterfly, is a big stride, since coverage for the species is difficult because of its complex biology. He said that the citizens of Chula Vista would benefit from lands set aside for preserve areas.

Susan Wynn, representing the U.S. Fish and Wildlife Service, stated that the City's plan would be used as a model for other cities in the County.

Simon Malk, representing Otay Land Company, submitted a letter dated May 13, 2003, regarding suggestions for the proposed MSCP, such as how the Otay Ranch conveyance plan would be updated from time to time to ensure that the entire 11,375-acre preserve is conveyed to public ownership; and the area-specific management directives for the Otay Ranch preserve and by whom they are prepared.

Dave Gatzke, representing McMillin Otay Ranch, complimented City staff and the consultants on the success of the project. He added that the issues raised by Mr. Malk are important and should be addressed appropriately.

ACTION: Councilmember Salas offered Resolution Nos. 2003-197, 2003-198, 2003-199; for adoption and Ordinance Nos. 2910, 2911, 2912, and 2913 for first reading, headings read, texts waived; and moved to approve staff's recommendation to postpone adoption of Ordinance Nos. 2910, 2911, and 2912 until issuance of take authorization by the U.S. Fish and Wildlife Service and California Department of Fish and Game:

PUBLIC HEARINGS (Continued)

- A. RESOLUTION NO. 2003-197, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA CERTIFYING THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND ENVIRONMENTAL ASSESSMENT (NO. 03-01) PREPARED FOR THE CITY OF CHULA VISTA MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) SUBAREA PLAN; ADOPTING THE MSCP SUBAREA PLAN, SUBJECT TO THE CONDITIONS CONTAINED HEREIN; FINDING THAT THE IMPLEMENTING AGREEMENT, DATED FEBRUARY 2003, IS CONSISTENT WITH THE CHULA VISTA MSCP SUBAREA PLAN; AUTHORIZING THE MAYOR TO EXECUTE THE IMPLEMENTING AGREEMENT IN SUBSTANTIAL FORM OF THE IMPLEMENTING AGREEMENT, DATED FEBRUARY 2003, WITH MINOR CHANGES APPROVED BY THE CITY ATTORNEY AND CITY MANAGER WITH THE EFFECTIVENESS OF SAID AGREEMENT CONDITIONED AS STATED HEREIN; AMENDING THE CITY OF CHULA VISTA GENERAL PLAN TO INCORPORATE THE MSCP SUBAREA PLAN AS PART 2, CHAPTER 7A; APPROVING THE REVISED MSCP MITIGATION AND IMPLEMENTING AGREEMENT MONITORING PROGRAM, DATED FEBRUARY 2003
- B. ORDINANCE NO. 2910, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING TITLE 15, CHAPTER 15.04 OF THE CHULA VISTA MUNICIPAL CODE RELATING TO EXCAVATION, GRADING AND FILLS AS IT RELATES TO IMPLEMENTATION OF THE MULTIPLE SPECIES CONSERVATION PROGRAM SUBAREA PLAN
- C. ORDINANCE NO. 2911, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 17 OF THE CHULA VISTA MUNICIPAL CODE TO REPEAL SECTION 17.30 RELATING TO INTERIM COASTAL SAGE SCRUB HABITAT LOSS PERMIT PROCESS, AND IN ITS PLACE, ADD THE OTAY RANCH GRAZING FOR IMPLEMENTATION OF THE MSCP SUBAREA PLAN
- D. ORDINANCE NO. 2912, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 17 OF THE CHULA VISTA MUNICIPAL CODE TO ADD SECTION 17.35 RELATING TO HABITAT LOSS AND INCIDENTAL TAKE FOR IMPLEMENTATION OF THE MULTIPLE SPECIES CONSERVATION PROGRAM SUBAREA PLAN
- E. RESOLUTION NO. 2003-198, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO THE SALT CREEK RANCH GENERAL DEVELOPMENT PLAN AND SALT CREEK RANCH SECTIONAL PLANNING AREAS (SPA) PLAN
- F. RESOLUTION NO. 2003-199, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AND ESTABLISHING CONDITIONS OF THE AMENDING TENTATIVE SUBDIVISION MAP FOR ROLLING HILLS RANCH SUBAREA III (FORMERLY SALT CREEK RANCH), 92-02A

PUBLIC HEARINGS (Continued)

- G. ORDINANCE NO. 2913, ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AMENDMENTS TO THE SALT CREEK RANCH PLANNED COMMUNITY DISTRICT REGULATIONS TO AMEND THE ZONING DISTRICTS MAP AND PROPERTY DEVELOPMENT STANDARDS TO DELETE NEIGHBORHOOD 13, CHANGE THE DESIGNATION OF NEIGHBORHOOD 9 FROM SFE TO SF1, AND REDUCE THE MINIMUM LOT SIZE OF NEIGHBORHOOD 9 FROM 15,000 TO 10,000 SQUARE FEET

The motion carried 4-0.

BOARD AND COMMISSION REPORTS

18. PRESENTATION OF A REPORT BY JOHN MOOT, CHAIRPERSON OF THE SCHOOLS TASK FORCE

On July 9, 2002, the City Council approved a motion to create a joint City/Schools Task Force comprised of 15 representatives. Five members each were appointed by the Chula Vista City Council, the Sweetwater Union High School District and the Chula Vista Elementary School District. The Task Force was created in response to parental concern about overcrowded schools and was asked to make recommendations to improve City and school district financing, planning, and development of school facilities. (City Manager)

Recommendation: Council refer this item to staff.

Former Councilmember Moot presented a report from the Chula Vista City/Schools Community Task Force regarding the creation of an ad hoc committee to regularly examine and recommend solutions for high enrollment schools, Growth Management Oversight Commission threshold standards; a new high school site, informing new homeowners about Mello-Roos/community facilities district financing to build new schools, joint use of City/schools facilities, verification of residency in the district, and legislative changes. Councilmember Moot believed that members of the City Council, the Sweetwater Union High School District, and the Chula Vista Elementary School District should meet on a regular basis to discuss issues of mutual concern.

Mayor Padilla thanked former Councilmember Moot and members of the task force for their time and effort, and he emphasized the importance for ongoing dialogue and information sharing between the agencies.

Councilmember Salas also thanked the task force members, stating that the product was something that could be implemented.

Deputy Mayor Rindone believed that increased communications between members of an ad hoc committee would foster an understanding of issues and play an essential role in identifying solutions.

BOARD AND COMMISSION REPORTS (Continued)

Councilmember McCann thanked the task force members for their hard work and input that he believed could be utilized to provide improved communication between the separate agencies. He also pointed out that the issue of overcrowding needed to be addressed in the older communities within the City.

Kimberly Longo, member of the City/Schools Task Force, thanked the Council and former Mayor Horton for listening, responding and acting on the concerns of the community. She encouraged the Council's support for continuation of an ad hoc committee, which she believed would enable future discussion regarding issues that were not addressed in the current report, such as improvements to older schools in the area.

Rudy Gonzalez thanked City staff and acknowledged fellow task force members, stating that the biggest investment the City could make was in its schools. He asked that the City Manager return to the Council with a work plan in a time-certain manner. City Manager Rowlands responded that a report would be provided to the Council in two weeks.

ACTION: Mayor Padilla moved to accept the report and to direct the City Manager to provide a progress report to the Council in two weeks on dialogues with the elementary and high school districts. Councilmember McCann seconded the motion, and it carried 4-0.

OTHER BUSINESS

19. CITY MANAGER'S REPORTS

City Manager Rowlands announced the following scheduled meetings and Council Workshops:

May 21, 2003 (3:00 p.m. – 5:00 p.m. and 6:00 – 8:00 p.m.), at Bob's on the Bay, Sunset Room, to discuss Port/City Bayfront Master Plan Study.

May 22, 2003 (4:00 p.m.), Council workshop in the Council Chambers to discuss the Planned Developments in Eastern Chula Vista.

May 29, 2003 (4:00 p.m. – 6:00 p.m.), Council workshop at the Public Works Corporation Yard for the purpose of budget discussions.

June 9, 2003 (4:00 p.m. - 6:30 p.m.), Council workshop at the Public Works Corporation Yard for the purpose of budget discussions.

June 11, 2003 (4:00 p.m. – 6:30 p.m.), Council workshop at the Public Works Corporation Yard for the purpose of budget discussions.

June 12, 2003 (4:00 p.m.), Council workshop at the Public Works Corporation Yard for a joint Growth Management Oversight Commission, Planning Commission, and City Council meeting.

June 21, 2003 (9:00 a.m. – 1:00 p.m.), meeting at Bonita Vista High School to discuss the General Plan Update – Town Hall II.

20. MAYOR'S REPORTS

- A. Ratification of appointment to the Board of Appeals and Advisors: Donald Snyder

ACTION: Mayor Padilla moved to ratify the appointment of Donald Snyder to the Board of Appeals and Advisors. Councilmember McCann seconded the motion, and it carried 4-0.

- B. Ratification of appointment to the Board of Appeals and Advisors: Matt Flach

ACTION: Mayor Padilla moved to ratify the appointment of Matt Flach to the Board of Appeals and Advisors. Councilmember McCann seconded the motion, and it carried 4-0.

21. COUNCIL COMMENTS

Deputy Mayor Rindone complimented City staff, under the leadership of City Manager Rowlands, for the good work they do.

CLOSED SESSION

22. CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: San Diego Gas & Electric - Gas and Electricity Franchise (Pertaining to Public Rights of Way throughout the City of Chula Vista)
Agency negotiators: David Rowlands, Jr., Sid Morris, Michael Meacham, Glen Googins
Negotiating Parties: City of Chula Vista, San Diego Gas & Electric
Under Negotiation: Price and Terms of Payment

No action was taken on this item.

23. CONFERENCE WITH LEGAL COUNSEL REGARDING INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(c)

- One case

No action was taken on this item.

ADJOURNMENT

At 9:33 p.m., Mayor Padilla adjourned the meeting to the Regular Meeting of May 20, 2003, at 6:00 p.m. in the Council Chambers.

Donna Norris, Assistant City Clerk